

**OPINION  
58-213**

April 1, 1958           (OPINION)

TOWNSHIPS

RE: Authority to Pay for Electrical Service in Unincorporated Villag

This is an answer to your request of March 19, 1958, relative to whether a board of township supervisors has authority to pay for the cost of electricity used by an unincorporated village in lighting the street lights. It is understood that payments made would be taken out of the township funds. It is also asked whether it would be permissible to pay for the cost of this electricity from contributions made by residents of the unincorporated village.

It is generally held that townships possess and can exercise only such powers as are granted in express words, or those necessarily or fairly implied in or incident to the powers conferred, or those essential to the accomplishment of the declared objects or purposes of their creation. Chapter 58-16 of the 1957 Supplement to the North Dakota Revised Code of 1943 provides a method by which an unincorporated village may acquire street lights, but no mention is made of how the cost of maintaining these lights shall be sustained. We note that the cost of construction and installation of the street lights are assessed to the property owners of the unincorporated village. The board of supervisors of the township could not fairly use moneys of the entire township for the purpose of paying for the electrical cost of lighting the streets of the unincorporated village, for such procedure would appear to unfairly tax many that received no benefit from the street lights.

It is, therefore, the opinion of this office that the fund of the township may not be used to pay the electrical costs of street lighting in an unincorporated village within the township. It is also the opinion of this office that contributions of the residents for the purpose of paying the electrical cost may be used for that designated purpose.

LESLIE R. BURGUM

Attorney General